

UNITED STATES of AMERICA
U.S. DISTRICT COURT -- EASTERN DISTRICT OF MICHIGAN

KASSEM BEZIH, *on behalf of himself and those similarly situated,*

Plaintiff,

-vs-

UNIFUND CCR LLC, Defendant.

Case No. 15-11660
Hon. Robert H. Cleland

STIPULATION & ORDER RE:
MOTION TO CERTIFY CLASS AND OTHER MATTERS

On May 13, 2015, Plaintiff filed a Motion to Certify Class ("Motion"). (Doc. 6.) The parties and the Court are willing to have the Motion withdrawn pending further case development as long as Defendant does not seek to moot a prospective class by serving an offer of judgment pursuant to Fed.R.Civ.P. 68, or take any other contested action to moot the class as a matter of law, by virtue of no class certification motion being pending. The parties do not wish to foreclose any other avenue of settlement or agreed resolution. Accordingly, the parties stipulate as follows:

1. Plaintiff hereby withdraws his Motion without prejudice and with leave to re-file according to any further scheduling order entered by the Court.
2. In exchange for Plaintiff's withdrawal of the Motion, Defendant shall not serve an offer of judgment pursuant to Fed.R.Civ.P. 68 unless and until (a) Plaintiff re-files a class certification motion, (b) that motion is decided by the Court and (c) if denied, (1) no timely motion for reconsideration or petition for leave to appeal under Fed.R.Civ.P. 23(f) is brought and the time to take such action has expired, or (2) a timely filed motion for reconsideration or petition for leave to appeal is denied, or (3) the denial of class certification is affirmed on appeal and no further opportunity for review or appeal of the class certification issue exists.

3. Notwithstanding paragraph 2 above, Defendant may serve an offer of judgment pursuant to Fed.R.Civ.P. 68 if Plaintiff fails to file a timely class certification motion according to any further scheduling order entered by the Court.
4. The parties may tender any other voluntary settlement offer, demand, or mechanism for agreed resolution, and agree that such proposals will not moot class claims.

Stipulated to by:

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Dated: July 23, 2015

SO ORDERED:

s/Robert H. Cleland
District Court Judge

Entered at Detroit, Michigan, on August 3, 2015.